



# CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

## CITY COUNCIL AGENDA

### REGULAR MEETING

WEDNESDAY, JUNE 3, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Cynthia J. Cook Council Member Hedy L. Chang Council Member J. Robert Foster Council Member Bev E. Freeman
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**7:00 P.M.**

**CALL TO ORDER**  
( Mayor Kennedy)

**ROLL CALL ATTENDANCE**  
(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**  
Per Government Code 54954.2  
(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**  
Eric Hilding

**PLEDGE OF ALLEGIANCE**

**INTRODUCTIONS**  
Jerry Nuemayre  
Police Officer

**CITY COUNCIL REPORT**  
Council Member Freeman

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**  
Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**CONSENT CALENDAR:**

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **SALE OF PUBLIC WORKS SURPLUS EQUIPMENT/VEHICLE**  
**Recommended Action:** 1) **Declare** vehicle No. W88129 (1988 Dodge Ram truck) surplus and sell to the MHUSD for \$1350.00 and 2) **Declare** mower Nos. R93327 and R93334 (2-1993 John Deere diesel mowers) surplus and sell to Abbott's Pro-Power for \$3,150.00.
2. **APPROVAL OF SPECIAL MEETING MINUTES OF MAY 11, 1998**
3. **APPROVAL OF REGULAR MEETING MINUTES OF MAY 20, 1998**

**LEGALLY NOTICED PUBLIC HEARINGS:**

4. **TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) PROCEDURES. APPLICATION ZA-97-04B** (Continued from 5/20/98)  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the ordinance;  
Motion to introduce ordinance by title only.
5. **DAA-95-11: COCHRANE-RUGE (DIVIDEND)**  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the ordinance;  
Motion to introduce ordinance by title only.
6. **ZAA-95-05: COCHRANE-MORGAN HILL DEVELOPMENT PARTNERS, L.P. (VENTURE CORPORATION)**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the ordinance;  
Motion to introduce ordinance by title only.

7. **ANTI-SCAVENGING ORDINANCE FOR RECYCLABLES**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;  
Motion to introduce ordinance by title only.

**OTHER BUSINESS:**

8. **LENGTH OF TERM OF OFFICE FOR PERSONNEL AND PLANNING COMMISSIONERS**

**Recommended Action:** Take no action, thereby leaving the term of office at four years for members of the Personnel Commission and Planning Commission.

9. **PURCHASE OF ADDITIONAL PROPERTY FOR NORDSTROM PARK**

**Recommended Action:** Approve the attached revised purchase agreement for the purchase of Nordstrom Park.

10. **ADOPTION OF AMENDED FLOOD DAMAGE PREVENTION ORDINANCE**

**Recommended Action:** 1) Waive the reading in full of the ordinance which rescinds and replaces Chapter 18.42 of City Code and 2) introduce ordinance by title only.

11. **EAST DUNNE AVENUE / CONDUIT ROAD INTERIM ORDINANCE**

**Recommended Action:** Council discretion.

12. **APPOINTMENTS TO THE GENERAL PLAN TASK FORCE**

**Recommended Action:** Appoint the following fifteen (15) individuals to the General Plan Task Force: Geno Acevedo, Wendy Bell, Laura Brunton, Larry Carr, John Dossetti, Dean Flory, Rocke Garcia, Mark Grzan, Ray Jimenez, Kyle Johnson, Tanya Knaus, Janet Martinez, Mark Moore, Craig Van Kuelen, and Charles Weston.

**ROLL CALL VOTE:**

The Roll Call Vote, Agenda Items #13 through #16 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

13. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1388, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending Ordinance No. 559, New Series, by rezoning 16 acres located on the northeast corner of Sunnyside and Watsonville Road. Zoning Amendment application ZA-98-04: Sunnyside-Schilling (APN 767-29-006).

14. **SECOND READING AND ADOPTION OF ORDINANCE NOS. 1389 AND 1390, NEW SERIES**

**ORDINANCE NO. 1389 N.S.** -- An Ordinance of the City Council of the City of Morgan Hill adopting a RPD, Residential Planned Development overlay and approving a precise development plan for a 24-unit residential development on the north side of Watsonville Road, west of Monterey Road in the R-2 (3,500)/RPD zoning district (APN 767-23-021) and,

**ORDINANCE NO. 1390 N.S.** -- An Ordinance of the City Council of the City of Morgan Hill approving a development agreement with Old Orchard Builders for a 24-unit single family attached residential development awarded allocations through the Residential Development Control System for Fiscal Year 1998-99 and Fiscal Year 1999-2000.

15. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1391, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending the procedures of the Residential Development Control System as set forth in Chapter 18.78, Article III of the Morgan Hill Municipal Code.

16. **SECOND READING AND ADOPTION OF ORDINANCE NOS. 1392 AND 1393, NEW SERIES**

**ORDINANCE NO. 1392 N.S.** -- An Ordinance of the City Council of the City of Morgan Hill approving an amendment to the R-3/RPD, Multi-family Residential Planned Development zoning district on 3.98 acres located on the southwest corner of the intersection of East Dunne Avenue. The amendment includes the adoption of a precise development plan for a 72-unit multi-family apartment project. (APN 817-11-010) and,

**ORDINANCE NO 1393 N.S.** -- An Ordinance of the City Council of the City of Morgan Hill approving development agreement application DA-98-03: East Dunne-USA Properties for Application MP-97-10: East Dunne-USA Properties (APN 817-11-010).

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

**FUTURE COUNCIL AGENDA ITEMS:**

FY 98-99 Budget Adoption  
Update on City Council Goals  
Graffiti Ordinance  
Revised Shopping Cart Ordinance  
Professional Services Contract FOR Design of Nordstrom Park

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #4 through #7 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.